

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

IN RE APPLICATION OF: **James M. LIPTON**  
APPLICATION NO.: **10/714,343**  
FILED: **NOVEMBER 14, 2003**  
FOR: **MODIFIED ALPHA-MSH PEPTIDES AND  
DERIVATIVES THEREOF**

EXAMINER: **JEFFREY E. RUSSEL**  
ART UNIT: **1654**  
CONF. No: **4070**

**Terminal Disclaimer**

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Zengen, Inc., Assignee of

- ☐ an undivided share of the entire right, title, and interest  
☒ the entire right, title and interest

in the above-identified patent application by virtue of an Assignment recorded in the U.S. Patent and Trademark Office at Reel 014717, Frame 0263 on November 14, 2003, hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. § 154 to § 156 and § 173, as presently shortened by any terminal disclaimer, of

\*U.S. Patent No. 7,135,548 issued November 14, 2006.

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**Certificate of Mailing**

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited with the United States Patent and Trademark Office via EFS-Web Electronic Filing.

August 13, 2007

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The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the above-listed patents and/or patent applications are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. § 154 to § 156 and § 173 of the above-listed patents and/or applications, as presently shortened by any terminal disclaimer, in the event that said patent(s)/application(s) later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. § 1.321, has all claims cancelled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

1. Authority of Undersigned

The undersigned is an attorney or agent of record.

2. Fee Payment

- ☒ Please charge the small entity fee of \$65.00, and any other fee necessary for entry of this Terminal Disclaimer, to Deposit Account No. 50-2586.

Respectfully submitted,

Perkins Coie LLP

Date: August 13, 2007

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